

## MEMBER SERVICES

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## TOMORROW'S FORECAST

- \* Tuesday, March 7 will be a "Committee Day": NO FLOOR SESSION
- \* The House will reconvene for its 28th Legislative Day on Wednesday, March 8, at 10:00 am. 8 bills are expected to be debated on the floor.

## GEORGIA HOUSE OF REPRESENTATIVES

# DAILY REPORT

**MONDAY, MARCH 6, 2006**

**LEGISLATIVE DAY# 27**

## TODAY ON THE FLOOR

Speaker of the House, Rep. Glenn Richardson, gavelled the House into session today, at 1:00 pm, for the 27th Legislative Day of the 2nd Session of the 148th General Assembly.

## DEBATE CALENDAR

### **HB0988 War of 1812 Bicentennial Commission; create**

- House Bill 988 amends chapter 12 of Title 50 relating to state government commissions and other agencies to establish the War of 1812 Bicentennial Commission. This bill will create the War of 1812 Commemoration Commission.
- **Authored By:** Rep. Cecily Hill
- **Special House Rules Applied:** Open
- **House Committee:** Special Rules
- **Yea:** 148    **Nay:** 0

### **HB1012 General obligation bonds; requirements; provisions**

- This bill requires that revenue and general obligation bonds, issued by a county, municipality or local authority, in an amount of \$5 million or more, shall be subject to an ongoing performance audit or review. The bill further provides that the entity expending the bond proceeds shall provide for a continuing performance audit or review of the expenditures of such funds. The county, municipality, or local authority expending these proceeds must contract with a C.P.A. or an outside auditor, consultant or other provider that is accredited or certified in the field of performance audits or review, selected through a public request for proposals process, to perform a continuing audit or review of such expenditures. The cost of the audit or review shall be paid from the proceeds of the bonds, unless a special waiver is advertised, in bold print, which specifically states that no such audit or review shall be conducted. Such contracts shall include a goal of ensuring that the proceeds were spent efficiently and economically so that the maximum benefit of the bonds were recognized; provide for the issuance of periodic public reports; and provide for the issuance of periodic public recommendations.
- **Authored By:** Rep. Fran Millar
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means
- **Yea:** 153    **Nay:** 0

### **HB1470 Milton, City of; provide charter**

- This bill incorporates the city of Milton in Fulton County, Georgia.
- **Authored By:** Rep. Jan Jones
- **Special House Rules Applied:** Open
- **House Committee:** Governmental Affairs
- **Yea:** 127    **Nay:** 21

## SUPPLEMENTAL CALENDAR

### **HB1075 Bond; used motor vehicle dealers; increase amount**

- HB 1075 increases the amount of the bond used for car dealers from \$20,000.00 to \$50,000.00.
- **Authored By:** Rep. Bobby Parham

- **Special House Rules Applied:** Open
- **House Committee:** Motor Vehicles
- **Yea:** 154    **Nay:** 1

### **HB1083    Georgia Medical Center Authority; projects; change definition**

- This bill redefines the corporate purpose and general nature of the business of the Georgia Medical Center Authority from biomedical and biotechnical research centers facilities and programs based in Augusta to life sciences industry research and development and manufacturing facilities and programs based throughout the State of Georgia. It further allows the authority to issue bonds and provides for a sales tax exemption on property purchased by the authority.
- **Authored By:** Rep. Ben Harbin
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means
- **Yea:** 155    **Nay:** 0

### **HB1092    Suicide Prevention Program; create**

- This bill would set up a Suicide Prevention Program inside the DHR to gather information and disseminate said information as well as best-practices, and suicide prevention guidelines to various agencies and groups. The general aim is to assist the state and other actors in reducing suicide in Georgia.
- **Authored By:** Rep. Judy Manning
- **Special House Rules Applied:** Open
- **House Committee:** Health & Human Services
- **Yea:** 136    **Nay:** 21

### **HB1164    Budget Act; amend**

- This bill amends parts of the Georgia Code relating to the Budget Act in order to provide for the collection of certain information pertaining to the impact of judicial settlements and decrees on the state budgetary and appropriations process. The legislation addresses and protects the separation of powers amongst governmental branches in respect to the budgetary and appropriations process by. Specifically, it provides that payments or expenditures by the state, required for compliance with judicial decrees or settlements be provided for in the budget. Additionally, such expenditures shall be documented in the annual budget report.
- **Authored By:** Rep. Earl Ehrhart
- **Special House Rules Applied:** Structured
- **House Committee:** Appropriations
- **Yea:** 108    **Nay:** 41

### **HB1224    Health Share Volunteers in Medicine Act; revise certain definitions**

- Changes definitions inside the Health share Volunteers in Medicine Act to limit DHR recommendation guidelines to families with incomes of less than twice the Federal poverty level, and defines volunteer as someone who helps the program with or without compensation.
- **Authored By:** Rep. Mickey Channell
- **Special House Rules Applied:** Modified-Open
- **House Committee:** Health & Human Services
- **Yea:** 154    **Nay:** 0

### **HB1252    Driver training schools; definitions; provide**

- This bill provides for definitions for "driver training course" and "commercial driver training school." Further, this bill clarifies the qualifications for a limited and temporary driver school permit, provides qualifications for commercial driver training school operators, and provides standards for business names of driver training schools.
- **Authored By:** Rep. Tom Rice
- **Special House Rules Applied:** Open
- **House Committee:** Motor Vehicles
- **Yea:** 159    **Nay:** 0

### **HB1364    Handicapped persons; medicare prescription drug insurance plan; provisions**

- This legislation amends Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons to provide for assistance in matters relating to the Medicare prescription drug insurance plan. The legislation helps meet the pharmaceutical needs of disabled adults and elderly persons so that there are no barriers to access to needed medications that may have a dire effect on the health and well-being of such adults. This act will be known as the "Georgia Medicare Part D Authorized Decision Makers Act".
- **Authored By:** Rep. Donna Sheldon
- **Special House Rules Applied:** Open
- **House Committee:** Human Relations & Aging
- **Yea:** 152    **Nay:** 1

### **HB1373 Budgetary Responsibility Oversight Committee; repeal creation**

- This legislation addresses the general provisions relating to the state budget process and budgetary information. It specifically serves to repeal the creation of the Budgetary Responsibility Oversight Committee and the duties and responsibilities of that body. Further, it states that the Governor, through the office of Planning and Budget, shall review budget allotment requests in a manner consistent with the provisions outlined in the General Appropriations Act. Requests that fall within approved goals and objectives shall be included in the approved budget allotment. Such requests deemed in excess of the approved budget allotment, by the Office of Planning and Budget will no longer be considered an obligation of the state. That office will notify the directors of both the House and Senate Budget Offices accordingly. An annual report will be provided by the Office of Planning and Budget by January 31 of each year to the following officers: Lt. Governor, President Pro Tem of the Senate, Speaker of the House, Chairs of the House and Senate Appropriations Committees and the directors of the House and Senate Budget Offices. The report shall include a detailed statement of the distribution of federal funds, as well as the balance of unspent federal and agency funds. Additionally, this same office will serve to assist in the coordination and implementation of strategic plans by various state agencies and departments.

- **Authored By:** Rep. Ben Harbin
- **Special House Rules Applied:** Open
- **House Committee:** Appropriations
- **Yea:** 157    **Nay:** 0

### **HB1380 Food; adulteration and misbranding; provide certain exemptions**

- This bill would exempt certain producers of homemade products from the licensing and inspection requirements of 26-5-25. Those whom the bill would exempt are as follows: (1) Persons not regularly engaged in the business of manufacturing and selling food and who prepares food only on order of and for sale directly to the ultimate consumer; (2) Educational, charitable, or religious organization not regularly engaged in the business of manufacturing, processing, or selling food; (3) Individual who prepares and sells food that is not potentially hazardous food at a community event or farmers' market (except state-run/operated farmers' markets) with gross receipts of \$7500.00 or less in a calendar year from the prepared food items. This bill would not provide from a complete exemption from all requirements. Certain requirements must be met by those enumerated above, such as: (A) The seller shall display prominently at the point of sale a clearly legible sign or placard stating, 'These products are homemade and not subject to state inspection,' unless the food items were prepared in a kitchen that is licensed and inspected; and (B) Prepared foods sold under this paragraph shall be labeled to accurately reflect the name and address of the person preparing and selling the foods; or Finally, a person who receives less than \$7500.00 in gross receipts in a calendar year from the sale of home-processed and home-canned food products may be exempt from the licensing and inspection requirements if the products are: (i) Pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower; (ii) Products such as cakes, fruit pies, breads, rolls, jams, jellies, and honey; or (iii) Home-processed and home-canned in this state; AND, the products are sold or offered for sale at a community or social event or a farmers' market (except state-run/operated farmers' markets) in this state; AND, the seller displays prominently at the point of sale a clearly legible sign or placard stating, 'These canned goods are homemade and not subject to state inspection,' unless the products were processed and canned in a kitchen that is licensed and inspected; and each container of the product sold or offered for sale under this paragraph is accurately labeled to provide the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned."

- **Authored By:** Rep. Tom Graves
- **Special House Rules Applied:** Open
- **House Committee:** Agriculture & Consumer Affairs
- **Amendment:** AM 25 0882 - Adopted
- **Yea:** 138    **Nay:** 18

### **HB1404 Commissioner of Agriculture; farmers' market; change provisions**

- This bill was brought by the Department of Agriculture in response to an Attorney General Recommendation that some language be added to improve standing in court cases where Dept. of Ag. Market Police are involved. This bill would add to and clarify language relating to the Commissioner's duty to provide for safety and security at the farmers' markets by vesting the Commissioner with police powers to enforce the laws that govern and control farmer's markets. The Commissioner would be authorized to employ, designate, deputize, and delegate to employees of the department the authority to exercise the police powers provided under this section. Further, the employees would be required to be certified as any other law enforcement officer in this state by the Peace Officers Standards and Training Council.

- **Authored By:** Rep. Tom McCall
- **Special House Rules Applied:** Open
- **House Committee:** Agriculture & Consumer Affairs
- **Yea:** 149    **Nay:** 4

### **HR0413 Warren V. Johnson Bridge; designate**

- This resolution dedicates the bridge on SR 45 that spans the Kichafoonee Creek in Webster County as the Warren V. Johnson Bridge.

- **Authored By:** Rep. Bob Hanner

- **Special House Rules Applied:** Open
- **House Committee:** Transportation
- **Yea:** 155    **Nay:** 0

### **HR1302    Stephen J. Schmidt, Sr. Memorial Highway; dedicate**

- Resolution honoring the life and accomplishments of Stephen J. Schmidt, Sr., and dedicating the Stephen J. Schmidt, Sr., Memorial Highway; and for other purposes.
- **Authored By:** Rep. Mike Jacobs
- **Special House Rules Applied:** Open
- **House Committee:** Transportation
- **Yea:** 158    **Nay:** 0

*\* The House will reconvene Wednesday, March 8 at 10:00 am for its 28th Legislative Day of the 2nd Regular Session of the 148th General Assembly.*

## **COMMITTEE ON RULES**

**The Committee on Rules today has fixed the calendar for the 28th Legislative Day, Wednesday, March 8, as enumerated below, and can be called at the pleasure of the Speaker of the House.**

### **DEBATE CALENDAR**

#### **HB0925    Torts; asbestos claims and successor corporations; provisions**

- HB 925 provides for a liability cap on certain asbestos related claims against being made against companies which never manufactured, sold, or distributed, asbestos products, but, prior to the dangers of asbestos being know, merged with companies that had dealt with asbestos products in the past. If such a merger was made prior to 1972, when OSHA recognized the dangers of asbestos, the "innocent" acquiring company's liability for asbestos related claims will be limited based on the fair market value of the acquired company's total gross assets, increased annually at an interest rate of prime plus 1%.
- **Authored By:** Rep. David Ralston
- **Special House Rules Applied:** Open
- **House Committee:** Special Committee on Civil Justice Reform

#### **HB1053    Prestige license plates; "In God We Trust"; provisions**

- This bill incorporates all specialty license plate bills which designate funds to any organization other than the general fund. An example being, a special license plate promoting the national logo "In God We Trust". A portion of the proceeds from the plate would go to the Boy Scouts of America.
- **Authored By:** Rep. James Mills
- **Special House Rules Applied:** Structured
- **House Committee:** Motor Vehicles

#### **HB1385    Building plan reviews; private professional providers; provisions**

- HB 1385 would allow a governing authority or corporation to hire private professional providers to perform building plan reviews and inspections when the local jurisdiction cannot perform these services in a timely manner. HB 1385 allows 30 days for the local governing authority to provide the plan review before securing the services of a private professional provider. The term private professional provider is expanded to include a professional, registered architect in addition a professional, registered engineer. Under HB 1385 the private professional provider has to meet several requirements, including: •Complying with the Georgia State Minimum Standard Codes and the Manual for Erosion and Sediment Control in Georgia, as well as any locally adopted ordinances and amendments; •Obtaining professional liability insurance; •Submitting a copy of the professional providers review report, an affidavit, the appropriate local documents, and any applicable fees; After receiving the permit application and affidavit, the local building official and the state fire marshal have 30 business days to issue the permit, or provide written notice identifying the plan features that do not comply with the codes, as well as the codes themselves. HB 1385 further provides for a local building official to issue a stop-work order for the project if the official determines that noncompliance poses a threat to public safety and welfare. However, unless the building poses an immediate threat, the stop-work order is contingent upon the local building official meeting with the private professional provider within two business days to resolve the dispute.
- **Authored By:** Rep. John Heard
- **Special House Rules Applied:** Open

- **House Committee:** Regulated Industries

**HB1399 Magistrate's salary; waiver; provide**

- Allows magistrate judges to waive their right to a minimum monthly salary
- **Authored By:** Rep. David Ralston
- **Special House Rules Applied:** Open
- **House Committee:** Judiciary

**HB1405 Workers' compensation; time frame for claim to be documented; require**

- Bill provides that for all claims filed with SITF on or before July 1, 2006, the deadline for a reimbursement agreement to be reached will be June 30, 2009. For all claims filed with the SITF following July 1, 2006, the deadline for a reimbursement agreement to be reached will be 3 years upon receipt of notice of claim by the SITF. If compensability is in question before the State Board of Workers' Compensation, the deadline will be 3 years upon final adjudication by the Board.
- **Authored By:** Rep. Mike Coan
- **Special House Rules Applied:** Open
- **House Committee:** Industrial Relations

**HB1444 Insurance; insolvencies; amend provisions**

- This bill revises the applicability of certain sections of an Act approved May 2, 2005 (Ga. L. 2005, p. 563), so as to apply to insolvencies occurring on and after the effective date of the Act.
- **Authored By:** Rep. Howard Maxwell
- **Special House Rules Applied:** Open
- **House Committee:** Insurance

**HR1169 Colonel R. H. Burson Bridge; designate**

- A Resolution dedicating the Colonel R.H. Burnson Bridge; and for other purposes.
- **Authored By:** Rep. Tim Bearden
- **Special House Rules Applied:** Structured
- **House Committee:** Transportation

**HR1564 Special license plates; dedicate revenue; provisions - CA**

- HR 1564 is the companion resolution to HB 1053 and creates the Constitutional Amendment Ballot Question for the designation of proceeds arising from the purchase of certain prestige license plates.
- **Authored By:** Rep. Matt Dollar
- **Special House Rules Applied:**
- **House Committee:** Motor Vehicles

*\* The Rules Committee will next meet on Wednesday, March 8 at 9:00 am to set the Debate Calendar for the 29th Legislative Day.*

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## **COMMITTEE ACTION REPORT**

### **JUDICIARY NON-CIVIL**

**HB1222 Motor vehicles; alcohol, drugs, or other substances; provisions**

- Allows other constitutional means, such as probable cause and a request for a search warrant, to be exercised in obtaining evidence of intoxication; removes the requirement that a driver be under arrest prior to reading implied consent; creates only one implied consent warning to replace the four different ones in current law; consolidates DUI and implied consent language in the statute to that it is organized and logical; allows for a per se DUI violation for schedule I-controlled substance violations; expands the language on which medical personnel are qualified to obtain blood samples; creates a comprehensive immunity provision for medical personnel.
- **Authored By:** Rep. Mark Hatfield
- **Committee Action:** Do Pass by Committee Substitute

**HB1439 Firearms; unlawful confiscation; provisions**

- Creates code section 16-11-135 which provides that any public officer may not confiscate a lawful person's firearm during an official state of emergency. Violation of this section will yield a civil penalty of no more than \$1,000.00. Further amends code section 38-3-51 so as to repeal the Governors power to take firearms away from lawful persons during

a declared state of emergency.

- **Authored By:** Rep. Bobby Franklin

- **Committee Action:** Do Pass by Committee Substitute

### **HB1501 County ordinance violations; maximum fines; change provisions**

- Would allow municipalities to raise fines for violations of local alcohol ordinances from \$1,000.00 to \$2,500.00.

- **Authored By:** Rep. Ed Lindsay

- **Committee Action:** Do Pass by Committee Substitute

## **MOTOR VEHICLES**

### **HB1392 Drivers; right of way violation; collision; provide penalties**

- Bill provides that any person who causes a collision with a motorcyclist, bicyclist, or pedestrian by committing any violation of right of way will be guilty of a misdemeanor and will face a fine of no less than \$250.00 along with any other penalties.

- **Authored By:** Rep. Bill Hembree

- **Committee Action:** Do Pass by Committee Substitute

### **SB0027 Private Military Vehicles; registration; implement rules/regulations**

- This bill provides for registration of private military vehicles by allowing that the commissioner of motor vehicle safety shall implement rules and regulations relating to the registration of private military vehicles.

- **Authored By:** Sen. Steve Henson

- **Committee Action:** Do Pass

### **SB0028 Commercial Drivers' Licenses; change certain definitions**

- This bill changes the code section relating to definitions regarding commercial drivers' licenses by adding a definition for "recreational vehicles". It reads as follows: "the term 'recreational vehicle' means a vehicle used for personal pleasure, travel, or hobby by an individual or his or her family and not used in commerce."

- **Authored By:** Sen. Steve Henson

- **Committee Action:** Do Pass

## **RETIREMENT**

### **HB0379 Employees' Retirement; disability benefits; eligibility provisions**

- Bill provides that a member of ERS applying for a disability retirement must notify the employing agency; Provides that the employing agency shall determine if an alternative position is available for such employee; Provides that the requirements for the alternative position are compatible with the medical condition of the employee and that the pay, duties and the chance for advancement are the same or greater than the current position; Provides that the alternative position is offered, in writing, not later than 45 days after submitting the application for disability; The member shall accept or dispute his/her ability to do the job offered by submitting a written appeal to the agency within 30 days after receiving the offer; In the event of an appeal, all the information is sent to the Medical Board of ERS to make a final determination. If the Medical Board determines that the member is unable to perform the task required, for either the position held or the position offered, the member shall be placed on disability retirement; and Provides that if such employee refuses to accept an offer of alternative employment, or after losing an appeal, does not accept a position, he/she shall not be eligible for a disability retirement.

- **Authored By:** Rep. Ben Bridges

- **Committee Action:** Do Pass by Committee Substitute

## **SPECIAL RULES**

### **HR1493 Constitution Day and Citizenship Day; designate**

- A resolution remembering the Constitution of the United States of America and designating September 17, 2006, as Constitution Day and Citizenship Day in Georgia.

- **Authored By:** Rep. Charlice Byrd

- **Committee Action:** Do Pass

*\* Committee action reports are edited for this report. For full content, please contact the House Committee Services Office at 404-656-3206. Bills passing committees are reported to the Clerk's Office and are then placed on the General Calendar for Rules Consideration.*

# **COMMITTEE BROADCAST SCHEDULE**

TUESDAY, MARCH 7, 2006

8:30 am 406 CLOB	Agriculture & Consumer Affairs
9:00 am 606 CLOB	Children & Youth
9:00 am 132 CAP	Judiciary-Civil
9:00 am 506 CLOB	Appropriations - Economic Development
10:00 am 341 CAP	House Appropriations Committee
Upon Adj 341 cAP	Appropriations - Health
10:00 am 506 CLOB	Government Affairs
10:30 am 415 CLOB	Intragovernmental Coordination
11:00 am 506 CLOB	Insurance
11:00 am 606 CLOB	State Institutions & Property
11:00 am 406 CLOB	Transportation
12:00 pm 506 CLOB	Education
1:00 pm 606 CLOB	Public Safety
2:00 pm 506 CLOB	Governmental Affairs
2:00 pm 415 CLOB	Judiciary Non-Civil
2:00 pm 406 CLOB	Public Utilities & Telecommunications
3:30 pm 606 CLOB	Education

3:30 pm      Game, Fish & Parks  
406 CLOB

4:00 pm      Ways & Means  
133 CAP

*\* To view the committee broadcast, please the Georgia Legislative Network's link at [www.legis.ga.gov](http://www.legis.ga.gov)*

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